

HOUSE No. 2101

By Mr. Knuuttila of Gardner, petition of Brian Knuuttila and Frank K. Hirons for legislation relative to the operation of low-speed vehicles. Transportation.

The Commonwealth of Massachusetts

PETITION OF:

Brian Knuuttila
Frank K. Hirons

Andrea F. Nuciforo, Jr.
Alice Hanlon Peisch

In the Year Two Thousand and Five.

AN ACT RELATIVE TO THE OPERATION OF LOW-SPEED VEHICLES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1 of chapter 90 of the General Laws, as
2 appearing in the 2000 Official Edition, is hereby amended by
3 inserting after the word “rest”, in line 122, the following defini-
4 tion:—

5 “Low-speed motor vehicle”, any four wheeled motor vehicle,
6 other than a truck, whose top speed on a paved level surface is
7 greater than 20 miles per hour but not greater than 25 miles per
8 hour, including neighborhood electric vehicles. All low-speed
9 motor vehicles must comply with the Federal Motor Vehicle
10 Safety Standards in 49 C.F.R. 571.500. 2003 and later model year
11 low-speed vehicles, in addition to meeting said Federal Standards,
12 must meet any additional equipment or performance standards
13 adopted by the Commonwealth which are not inconsistent with or
14 pre-empted by such Federal Standards. Where applicable, low-
15 speed motor vehicles will be recognized as “alternative fuel vehi-
16 cles”, “electric vehicles” or “zero emission vehicles”.

1 SECTION 2. Chapter 90 of the General Laws, as so appearing,
2 is hereby further amended by adding the following section:—

3 Section 1E. Every person lawfully operating a low-speed motor
4 vehicle shall have the right to use all public ways in the common-
5 wealth except limited access or express state highways or any
6 other public way with a posted speed limit of more than 30 miles
7 per hour, and shall be subject to the traffic laws and regulations of
8 the commonwealth and the regulations contained in this section.
9 This shall not prohibit a low-speed motor vehicle from crossing a
10 road or street at an intersection where the road or street to be
11 crossed has a posted speed limit of more than 30 miles per hour,
12 but not more than 45 miles per hour, provided said intersection
13 begins and ends on a road or street with a speed limit no higher
14 than 30 miles per hour and is controlled by traffic signals or stop
15 signs. The local department of public works, in consultation with
16 the local chief of police, or any local authority may, subject to the
17 approval of the Town Council, City Council or Board of
18 Selectmen, by regulation, prohibit the operation of low-speed
19 vehicles on any ways within its jurisdiction if it determines for
20 any reason that a way or a particular portion of the way represents
21 an unreasonable risk of death or serious injury or is otherwise
22 inappropriate for use by low-speed vehicles.

23 A low-speed vehicle shall not be operated by any person under
24 sixteen years of age nor by any person not possessing a valid dri-
25 ver's license, except that a person who is at least sixteen years of
26 age who possesses a valid learner's permit issued to him by the
27 registrar may operate a low-speed vehicle on those ways, or por-
28 tions of ways, where such operation is lawful when accompanied
29 by an operator duly licensed by his state of residence who is
30 twenty-one years of age or over, who has had at least one year of
31 driving experience and who is occupying a seat beside the driver.
32 The holder of a Junior Operator's License shall be subject to the
33 same license restrictions applicable to that license holder in the
34 operation of a low-speed vehicle as if said license holder were
35 operating any other motor vehicle.

36 A low-speed vehicle as defined in section one of this chapter
37 shall not be operated upon any public way unless such vehicle is
38 registered in accordance with the provisions of this chapter and
39 displays the registration number as provided in section six, is
40 equipped as provided by Federal Motor Vehicle Safety Standards
41 for Low-Speed Vehicles and as may be provided in equipment or

42 performance standards adopted by the Commonwealth which are
43 not inconsistent with or pre-empted by the Federal Standards, and
44 meets the insurance certificate requirements of section thirty-four
45 A. Low-speed vehicles shall be subject to annual inspection as
46 required by section 7A, except that electrically powered low-
47 speed vehicles shall not be subject to the test for emissions. The
48 registrar may issue registration plates displaying the International
49 Symbol of Access for a low-speed vehicle upon the same terms
50 and conditions applicable to registrants of other motor vehicles
51 and may issue a special parking identification placard bearing the
52 same designation upon the same terms and conditions applicable
53 to persons seeking a placard for a motor vehicle.

54 Every Massachusetts dealer engaged in the business of buying,
55 selling, leasing or renting low-speed vehicles shall, upon the sale,
56 lease or rental of such low-speed vehicle to a retail customer pro-
57 vide a notice printed in at least 10 point type. Such notice shall be
58 signed by the purchaser, leaser or renter with a copy given to him
59 and a copy retained by said dealer. [The contents of such notice
60 shall be determined by the Registrar] or said notice shall contain
61 the following:

62 Operation of Low-Speed Vehicle In Massachusetts.

63 License/Permit required: This is a low-speed vehicle under
64 Massachusetts law and it is required to be registered and insured
65 before it can be operated on a public way. You must have a valid
66 driver's license or learner's permit to operate this motor vehicle.
67 The holder of a learner's permit or Junior Operator's license is
68 subject to the restrictions applicable to his/her license/permit.

69 Speed Limits Maximum Operating Speed: This vehicle cannot
70 travel more than 25 MPH.

71 Operation Prohibited on Limited Access or Express State High-
72 ways: This vehicle may not be operated legally on or across lim-
73 ited access or express state highways and ways where signs
74 specifically prohibiting low-speed vehicles have been posted.

75 Operation May be Prohibited Elsewhere: This vehicle may not
76 be operated legally anywhere where signs have been posted
77 specifically prohibiting their use.

78 No Operation Where Speed Limit Exceeds 30 Miles Per Hour:
79 This vehicle may not be operated legally on any portion of a street
80 or highway if the speed limit on that portion of the street or

81 highway is greater than 30 miles per hour. If the speed limit
82 increases above 30 miles per hour on the portion of the street or
83 road immediately ahead, you must get off the street or road, if it is
84 safe to do so, after making the appropriate turn signal. If it is not
85 safe to do so, you must move the vehicle as far as possible off of
86 the road surface and wait until a police officer or other public
87 safety officer can direct the safe movement of the vehicle.

88 Crossing Roads with a speed limit greater than 30 Miles Per
89 Hour: You may cross a road or street at an intersection where the
90 road or street has a posted speed limit of more than 30 miles per
91 hour if the crossing begins and ends on a roadway with a speed
92 limit of 30 miles per hour or less, except that you shall not cross
93 an intersection on a state highway unless the intersection is con-
94 trolled by signal lights or other traffic control devices that cause
95 traffic on state highways to slow or stop to permit vehicles to
96 cross, or unless the highway department has erected signs indi-
97 cating that crossing of the highway by low-speed vehicles is per-
98 mitted.

99 Subject to All Traffic Laws: You are subject to all traffic laws
100 and regulations of Massachusetts.

101 Out-of State Operation: It may be illegal to operate this vehicle
102 in other states so check with each state before you do.

103 The registrar may make and enforce reasonable rules and regu-
104 lations to carry out the provisions of this section.

105 A person convicted of a violation of this section shall be pun-
106 ished by a fine of not more than Seventy-five dollars for the first
107 offense, not less than Seventy-five nor more than One hundred-
108 fifty dollars for a second and each subsequent offense.

109 Whoever being licensed as a dealer in the State of Massachu-
110 setts and engaged in the business of buying, selling, leasing or
111 renting low-speed vehicles, fails to provide a retail customer with
112 the notice required by this section upon the sale, lease or rental of
113 a low-speed vehicle, shall be fined twenty-five dollars for each
114 such occurrence. A person convicted of a violation of this section,
115 the penalty for which is not otherwise provided, shall be fined
116 pursuant to the provisions of section 20.

1 SECTION 3. Section 2E of Chapter 85 of the General Laws, as
2 appearing in the 2000 Official Edition, is hereby amended by
3 inserting a second paragraph:—

4 In addition to the prohibitions contained in Section 1E of
5 Chapter 90, the department may, by regulation, prohibit the opera-
6 tion of low-speed vehicles on ways within its jurisdiction if it
7 determines that a way or a particular portion of the way is so
8 heavily traveled by trucks or other large vehicles as to represent
9 an unreasonable risk of death or serious injury to occupants of
10 low-speed vehicles. The department shall post signs where neces-
11 sary to provide notice to the public of such prohibited access.

1 SECTION 4. This act shall take effect upon its passage.